

Application No. 10/782,273
Art Unit 3765
AMENDMENT
Page 9

REMARKS

The applicants are responding to the "double patenting" rejection by submitting, herewith, a terminal disclaimer referring to United States Patent No. 6,728,970 B1.

The applicants request that you reconsider the rejection of claims 6, 7, and 8 and claims 14, 15, and 16 as being indefinite under 35 U.S.C. § 112, second paragraph. The applicants submit that references to NFPA standards are understood by a person having ordinary skill in the art and serve to differentiate garments having outer shells conforming to those standards from sports jackets and other garments unsuited for military or paramilitary firefighters or emergency workers. The applicants note that similar references are made in claims of United States Patent No. 6,728,970 B1. The applicants request consistency in the further examination of the instant application.

Each of claims 3, 4, and 5 and each of claims 11, 12, and 13 have been rejected as being unpatentable over Mullis (US 2002/0083507 A1) but have not been rejected as being anticipated by or as being unpatentable over other art. So as to facilitate the further examination of the instant application, the applicants have rewritten each of claims 3, 4, and 5 and each of claims 11, 12, and 13 in independent form.

Moreover, the applicants have rewritten each of claims 1 and 9 and each of the claims discussed in the preceding paragraph, similarly to set forth that the protective garment is a coat, trousers, overalls, or coveralls, as supported by the description of the instant application, in the final paragraph on page 3. The

Application No. 10/782,273
Art Unit 3765
AMENDMENT
Page 10

applicants submit, therefore, that all claims are patentable over Mullis (US 2002/0083507 A1) wherein the reversible "garment" is a band, which is worn on an arm, on a leg, or elsewhere, as discussed in paragraph 0029.

The applicants request that you reconsider the rejection of claims 1, 2, 6, 7, 8, 9, 10, 14, 15, and 16 as being unpatentable over Aldridge (US 5,933,865). Each of the independent claims, which include those claims rewritten in independent form, recites that the protective garment is reversible, that the protective garment has a shell of high visibility and a shell of low visibility, and that the protective garment is wearable with either shell facing outwardly.

The protective garment 10 of Aldridge comprises two separable garments, namely, a garment described as an outer shell 12 and a garment described as an inner liner 14. The garment described as an outer shell 12 is not reversible, because the collar 20, the slide fastener 24 or other closure means, and the storm flap 26 would become inoperative if said garment were to be turned "inside out." The garment described as an inner liner 14 is wearable as a separate, protective garment but is not reversible, because the collar 42 and the slide fastener 32 or other closure means would become inoperative if said garment were to be turned "inside out." A garment is not reversible merely because it can be turned "inside out." As an example, a man's or woman's blazer is not reversible merely because it can be turned "inside out."

[to next page]

Application No. 10/782,273
Art Unit 3765
AMENDMENT
Page 11

The applicants submit, therefore, that all claims are patentable in view of the preceding amendments. The applicants solicit your allowance of all claims.

Respectfully submitted,

By Allen J. Hoover
Allen J. Hoover
Reg. No. 24,103

Wood, Phillips, Katz, Clark & Mortimer
Citicorp Center, Suite 3800
500 West Madison Street
Chicago, Illinois 60661-2511
Telephone (312) 876-1800
Facsimile (312) 876-2020
October 27, 2004